

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-1181**

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FRANKLIN C. REAVES, Reverend,

Plaintiff - Appellant,

versus

M. C. PAGE; JACK DAVIS; BILL BULLARD; BENJAMIN  
WILLIS; LAKE E. SUMMERS; VINTON D. LIDE  
ASSOCIATE LLC; CITY OF MULLINS POLICE  
DEPARTMENT; MARION COUNTY SHERIFF'S  
DEPARTMENT,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Florence. Terry L. Wooten, District Judge.  
(CA-02-3260)

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Submitted: September 16, 2005

Decided: October 17, 2005

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Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Franklin C. Reaves, Appellant Pro Se. Vinton DeVane Lide, VINTON  
D. LIDE & ASSOCIATES, Lexington, South Carolina; Lake Eric Summers,  
MALONE AND THOMPSON, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Franklin C. Reaves seeks to appeal the district court's order denying his motion for relief from judgment pursuant to Fed. R. Civ. P. 60. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's judgment was entered on the docket on November 8, 2004. The notice of appeal was filed on January 31, 2005. Because Reaves failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED